

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
NOV 10 2014
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Justin-Breithaupt:Family of Breithaupt
P.O. Box 483
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

<p>Justin-Breithaupt:Family of Breithaupt the private man.</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>Matt Newberg, John Henry, & THE GARFIELD COUNTY SHERIFF'S OFFICE.</p> <p style="text-align: center;">Defendant.</p>	<p>Case Number: 2:14-CV-344-JLQ</p> <p>Amended V0.0.0.2 Claim of injury, & Declaration</p>
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I require a court of record. The Plaintiff is one of the people (Propria Persona 'in pro per.'), & the Defendants are all persons.

Plaintiff declares:

that under penalty of perjury, the claim of injury in this and the following attached documents are true and correct, complete, and not misleading. The Defendants are and were operating without Jurisdiction, without authority, without any respect for the law (including but not limited to *the Federal Rules for Civil Procedure, RCW Statutes, the Constitution for the United States, the Declaration of Independence, US Supreme Court Rulings, Federal District Court Rulings in Washington State, Common Law, and Black's Law Dictionary, and they act as though they are above the law*), or the greater good, & did conspire against Justin Chad Breithaupt to illegally Kidnap (18 U.S.C. § 1590 : US Code - Section 1590), Incarcerate, and punish Justin Chad Breithaupt for exercising his inalienable rights, standing up for what is right, and did use, make, and file false interments, and did so willfully and knowingly (*See affidavits, notices of TORT, motions, other notices, and declarations filed previous to October 16th 2014 with the GARFIELD COUNTY DISTRICT COURT CASE NUMBER 14-C08003. These notices of TORT were never responded to making them case law*), as well as treating Justin Chad Breithaupt like an enemy belligerent. Case number 14-C08003 was discharged & closed on October 2nd 2014, under Truth and Lending Clause Regulation Z by submitting Item # 10022014/LKM/JCB-1, it's attachments, and confirmed and accepted as stated in Item # 10062014/NMNJH/JCB-3 (I believe that these negotiable instruments also fall under 31 U.S. Code § 5103). Also see: § 3-503. NOTICE OF DISHONOR "Return of an instrument given to a bank for collection is sufficient notice of dishonor." However because of the pattern of blatant, disregard for the law that has been demonstrated by Matt Newberg & John Henry, I appeared under duress on October 16th 2014 to avoid an illegal bench warrant being issued against me. The pre-trial hearing on October 16th 2014, consisted of the Judge asking that everyone leave before my hearing started. The acting Sheriff was present, along with the acting bailiff Drew Heyer, Matt Newberg acting as prosecutor, John Henry acting as Judge, and Although I have tried, I can not take this case to the Superior Courts of the Hells Canyon Circuit, because that would be a conflict of interest, and that will become more evident as you read this claim of injury. The other reason I'm filing a Federal case, is because the Superior Court hasn't responded in a timely enough manner, to prevent further illegal activities by the acting County Officers, has given me a case number, or Judge's signature.

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I believe therefore, that it is in the best interest of the good people of Garfield County Washington, that Matt Newberg, and John Henry no longer be allowed to practice any kind of law, or to hold any office in any state, county, or territory, and that they be sentenced to prison for impersonating County Officers, disregard for the law, filing multiple charges against multiple people on behalf of the STATE OF WASHINGTON as an injured party (The State Can Not Be An Injured Party), and filing false instruments among other things that would be revealed after a full investigation and audit. I would like to make it clear that this is not retaliation, as I have been investigating strange & illegal matters going on in Garfield County for 2-3 years now, and I believe that what I've described so far, and what I am continuing to describe in this claim of injury and declaration, is only just the tip of the iceberg; also previous to dealing with the District Court of Garfield County, I was hopeful that it's acting officers, acted honorably, and in the best interest of Justice and the public interest (not private interests), but after bearing witness to their actions, I found quite the opposite to be true and correct.

A SUMMARY OF SOME VIOLATIONS:

1. THE STATE OF WASHINGTON (*Matt Newberg*) is acting as the injured party, against a private man, & also Matt Newberg can not represent THE STATE OF WASHINGTON without having a valid oath of office. 18 U.S. Code § 241 - Conspiracy against rights, 18 U.S. Code § 242 - Deprivation of rights under color of law, 42 U.S. Code § 1985 - Conspiracy to interfere with civil rights, 42 U.S. Code § 1983 - Civil action for deprivation of rights
2. Not following the federal rules of civil procedure.
3. Ruling from the Bench (*The Judge entered a plea for the Defendant, and the Defendant objected, only the Defendant or the Defendant's attorney can enter a plea*) 42 U.S. Code § 1983
4. Defying / ignoring the Supreme Court Rulings, Black's Law legal definitions, Constitution for the United States, Declaration of Independence (*including bill of rights*), as stated in all previously filed notices of TORT, & Declarations, and other filings.
5. Operating a court that is not a court of record, as stated by the Judge. 18 U.S. Code § 241, 242, 42 U.S. Code § 1985 Everyone has a right to a court of record.
6. Operating without Jurisdiction (*Claiming it was acting under the Statutes alone as Jurisdiction and not Common Law & not responding when asked if the court operates under the Jurisdiction of the Constitution for the United States or the Declaration of Independence, operating without Common Law / A Court or Record, operating without valid oaths of office, I have not yet checked to see if they have bonds filed, operating without the consent of the Governed, or the Consent of any private man or woman, and in fact in violation of the stated wishes of the alleged injured party.*) 18 U.S. Code § 241, 242, Code § 1985 I have a right to be tried in a real court of law, by real County Officers, with real Jurisdiction.
7. Made threats against me, without any Jurisdiction to do so, and makes up the rules or interpretation of any and all laws as the court goes on. Matt Newberg committed perjury on October 16th 2014 in the Garfield County District Court, by stating that all oaths of all County Officers were filed correctly in accordance with the Washington State Statutes, and that they had the Auditor's filing stamps on them. **162.065 Perjury.** "(1) A person commits the crime of perjury if the person makes a false sworn statement in regard to a material issue, knowing it to be false. (2) Perjury is a Class C felony. [1971 c.743 §183]" If there is any truth to what Matt said, then it means that they committed forgery. If oaths are forged, and do now exist, there still may be evidence of when and how they were filed, that may be obtained during discovery. The acting Judge, also threatened to accuse me of threatening a real Judge and put me in jail, and charge me with a felony, in response to me pointing out that impersonating a County Officer is a Class C Felony in progress, and that I can arrest the Judge as a Citizen of this State. 18 U.S. Code § 241, 242, Code § 1985. The Judge denied me my right to a Lawful Citizens' arrest by threatening me. **162.315 Resisting arrest, & 10 USC 333 Interference with federal or state law.** I have citizen arrest rights, and John Henry isn't a real Judge. Matt Newberg also practiced illegal retribution by altering his original deferral deal he offered originally for 12 months, to 18 months (adding 6 months) in response to me filing a freedom of information act request for certified copies of their oath's of office. This is not professional or ethical behavior.

The 6th Amendment secures the accused the right to face all witnesses against him. Therefore, this law requires the "Plaintiff" (injured party) be a physical human being that can be cross examined. The only time an attorney can act without a human "Plaintiff" is in the case of "murder". All other cases require the "Plaintiff" be present in court. In Case number 14-C08003 THE STATE OF WASHINGTON is listed as the Plaintiff, and THE STATE OF WASHINGTON is not a physical human being, and no physical human being consented to any charges being filed on their behalf, or to be represented by an Attorney, or for the listed defendant / person JUSTIN CHAD BREITHUAPT to be arrested. I am not

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JUSTIN CHAD BREITHAUPT the person listed under the 14th amendment, so my name is not on any charging instruments, nor am I the private man (not a person) listed in any of the statutes used to file charges against me, however I reserve the right to represent JUSTIN CHAD BREITHAUPT under any necessity.

As noted in Affidavit 005, on the day of 09-08-2014, I did go into the County Auditor's Office, with my Freedom of Information Act Request. The acting Auditor opened the file in the file cabinet where the Oaths are to be filed in accordance with the State Statutes, and there were no oaths of office for the term of 2010 – 2015 in the file or drawer, and this means there are no acting County Officers in this county, or deputies thereof in accordance with the RCW Statutes: *RCW 36.16.040, RCW 36.16.060, RCW 65.04.015 Definitions, RCW 65.04.045, RCW 65.04.030(3), RCW 65.04.130, RCW 42.12.010, RCW 36.16.050, RCW 42.20.030, RCW 65.04.110, RCW 36.18.010, and failure to follow these and other statutes results in RCW 9A.60.040 (2) Criminal impersonation in the first degree is a class C felony*, and these Defendants named above, and at the very least the Principles mentioned, did and are knowingly and willfully violating these statutes. I stated previously in an e-mail the the acting Prosecutor that I knew how to forgive any and all crimes committed by the acting County Officers, and that I would be willing to work with them, to help bring them into compliance with any and all laws. No county officers seemed interested in any compliance with any and all laws. They only seem interested with their interpretation of the laws, that may change at any given point in time, depending on who is on trial. [1878 Washington Constitution Article XVI, SCHEDULE, Sec. 7 (ratified by the people)], [18 U.S. Code § 4 - Misprision of felony], [Constitution for the United States Article IV], also apply to the oaths and bonds of Judges, because they must have both in order to qualify. How can a court operate under a Jurisdiction such as a Jurisdiction of statutes, if it is not in compliance with those statutes, including

"...if an officer is so careless of the requirements of the law under which he is elected that he neglects to qualify, it is a fair indication that he will be neglectful in the transaction of the duties of his office." *State ex rel. Vanderveer v. Gormley* 104 P. 620, 53 Wash. 543 -1909

Furthermore, a breach of a duty imposed by law is a violation of the Oath of Office. The Defendants knew or should have known that their actions - or lack thereof-to remain at all times compliant with the law as enjoined by law upon any public officer, is a violation of the Defendant's Oath of Office, and Washington State Law. Fines and penalties associated with the commission of acts are defined as a misdemeanor and/or gross misdemeanor, or a felony if one of the people incurred a personal injury as a result of actions that may have been taken by the Defendants under color of law, color of office and/or color of authority [18 USC §242]

162.405 Official misconduct in the second degree. (1) A public servant commits the crime of official misconduct in the second degree if the person knowingly violates any statute relating to the office of the person.
(2) Official misconduct in the second degree is a Class C misdemeanor. [1971 c.743 §214]

SOME RULINGS AND LAWS (Many more are mentioned in the previously filed papers with the Garfield County District Court):
CORPUS DELICTI

"For a crime to exist, there must be an injured party (Corpus Delicti) There can be no sanction or penalty imposed on one because of this Constitutional right." *Sherer v. Cullen* 481 F. 945: And the state can not be the victim.

"In legal prosecution, all legal requisites must be complied with to confer jurisdiction on the court in criminal matters, as district attorney cannot confer jurisdiction by will alone." *People v. Page*, 667 N.Y.S.2d 689, 177 Misc.2d 448 (1998)

"Where the court is without jurisdiction, it has no authority to do anything other than to dismiss the case." *Fontenot v. State*, 932 S.W.2d 185 "Judicial action without jurisdiction is void."-Id (1996)

McNutt v. G.M., 56 S. Ct. 789, 80 L. Ed. 1135, *Griffin v. Mathews*, 310 Supp. 341, 423 F. 2d 272, *Basso v. U.P.L.*, 495 F 2d. 906, *Thomson v. Gaskiel*, 62 S. Ct. 673, 83 L. Ed. 111, and *Albrecht v U.S.*, 273 U.S. 1, also all confirm, that, when challenged, jurisdiction must be documented, shown, and proven, to lawfully exist before a cause may lawfully proceed in the courts.

"No sanction can be imposed absent proof of jurisdiction"[*Stanard v. Olesen*, 74 S. Ct.768]

"Once challenged, jurisdiction cannot be 'assumed', it must be proved to exist."

[*Stuck v. Medical Examiners*, 94 Ca2d 751.211 P2s 389]

"Jurisdiction, once challenged, cannot be assumed and must be decided."

[*Maine v. Thiboutot*, 100 S. Ct. 250]

"... Federal jurisdiction cannot be assumed, but must be clearly shown."

[*Brooks v. Yawkey*, 200 F. 2d 633]

"The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings"[*Hagans v. Lavine*, 415 U.S. 528]

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"If any tribunal finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed."

Louisville R.R. v. Motley, 211 U.S. 149, 29 S. Ct. 421

"Trial court acts without jurisdiction when it acts without inherent or common law authority, nor any authority by statute or rule." State v. Rodriguez, 725 A.2d 635, 125Md.App 428, cert den 731 A.2d 971, 354 Md. 573 (1999)

"Where the court is without jurisdiction, it has no authority to do anything other than to dismiss the case." Fontenot v. State, 932 S.W.2d 185 "Judicial action without jurisdiction is void."-Id (1996)

Any authority our servants have is by our consent, if they act outside their authority they are subject to criminal charges under US Codes 42 & 18 and liable for damages under US codes and Common Law.

The United States Supreme Court has repeatedly held that any judge who acts without jurisdiction is engaged in an act of treason. U.S. v. Will 499 US 200, 216, S.Ct. 471, 66 L.Ed 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed. 257 (1821). 18 U.S. Code § 2381 - Treason, and any court that ignores this may be held liable to 18 U.S. Code § 2382 - Misprision of treason

5 USC 556(d), 557 and 706 once due process is denied all jurisdiction ceases.

I do also believe that THE GARFIELD COUNTY SHERIFF'S OFFICE, & Matt Newberg did lead the appointed acting deputies to believe that they didn't have to follow any or all of the RCW laws in regards to filing their oath's of office, arresting people for crimes without a valid injured party, or consent from alleged injured parties, disregarding the federal laws of civil procedure, and a variety of other violations that may not be listed here. Some documents are filed with Garfield County District Court in regards to case number 14-C08003. I wish to be compensated for (18 U.S.C. § 2259 : US Code - Section 2259: Mandatory restitution) the stress, anxiety, incarceration, & kidnapping I experienced, as well as negligence, and any other injury that may be amended / discovered later. I wish to be compensated in the amount of not less than any fines and penalties for any and all laws that this court believes were broken by the Defendants in regards to all actions involved in case number 14-C08003, and to have all charges, actions, and matters against me expunge. For me this is not about money, but about Justice. In the matter 14-C08003 I was simply attempting to preserve evidence against a drug dealer, and preserve my property, and that is not a crime. If given the choice between financial compensation, or the acting parties being held responsible, I will choose accountability every time. I believe that the State should file a CRIMINAL COMPLAINT in addition to this Claim of Injury, to prevent further illegal activity, and that the State Governor should temporarily appoint new County Officers pending an investigation, because felons can't run for office or hold office. Because of Item # 11062014/MTFAPAGPPMPANF/JCB-15 and it's attachments I am not convinced the STATE OF WASHINGTON will be of any help at all.

Please provide a Federal District Court Protection Order, to protect me from the Defendants listed on this Claim of Injury, along with emergency contact numbers for the US Marshal's Office (and a local agent), local FBI, and State Patrol offices, in the event that such an order need be enforced. I do however wish to be able to continue to serve papers upon the Defendants, if the State will not do it on my behalf. Me and my family's addresses are 332 Pataha Street, Pomeroy WA 99347 & 171 24th Street, Pomeroy WA 99347. Because of the size and layout of Pomeroy, any order should be restricted to a reasonable distance of 50 feet, and all parties should be allowed to occupy the main streets and businesses of the town, however there should be no reason for the defendants to park vehicles around these two addresses mentioned, or to pull up next to me or my family members. This includes my Grandmother, Father, Mother, and Brother. I reserve all rights to make amends to this document to make it more clear, precise, and on point if needed.

I am requesting time for discovery, and that the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON subpoena all audio and transcribed court records involved in Garfield County District Court Case Number 14-C08003, as well as certified copies of all filed documents, and that I would not be required to bear any fees or expenses for the transfer / request of these certified records, and that copies be served upon all the Defendants and the Plaintiff in this case, for any documents the Defendants currently don't claim to have, or documents that they have not been previously served in case number 14-C08003 to avoid un-necessary duplication of any said documents. I also wish to file any and all documents mentioned in this claim of injury, as well as any other documents electronically, but reserve the right to file documents by other acceptable means at any time. After presenting the acting County Auditor with a Freedom of Information Act Request for certified copies of any oaths of office, not correctly filed, I did receive from the acting Prosecutor Matt Newberg, 3 oaths of office, that do not qualify with the standards described in the State RCW Statutes, and were never filed with the Auditor at any time. These copies I received were not certified, and had no Auditor's (Recorder's) signature, Auditor's Stamp, and did not meet the other State Requirements to be valid. I am requesting that I may be permitted to submit copies of all oaths I have received from Matt Newberg, and that my Council has received, electronically after this claim of injury is filed. Please note that I believe it is possible that attempts may be currently being made to modify or create (forge) Oaths of Office outside of the allowed time frame that the Statutes require, and that the copies I

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have received (although not certified as the pretending / acting officers refused to certify such documents) should serve as evidence that on the dates me and my council received copies of the oaths, that they were not in compliance with the State Laws, therefore all Garfield County Offices are currently Vacant, and those acting, are impersonating officers, a Class C Felony in Washington State. With the help of my council, I believe that after all the above certified records in audio and transcribed formats are received by the Plaintiff, the amount of time necessary to discover violations of Federal Laws and Rules, may be under two weeks, depending on any other situations, such as any harassment, unforeseen events, unlawful incarceration (that can not occur by pretending officers, but may unlawfully by criminals acting without authority and without my consent). I do not yield and have never yielded (voluntarily and knowingly) my sovereignty as a private man, and I have never consented to be held under, or to stand under any or all types of law, other than common law (knowingly or voluntarily), and nor can I, because inalienable rights can not be bought, sold, or transferred even by me. Inalienable rights come from my creator, and can not be transferred, except by a common law jury, that has been presented with any and all evidence, and that is not operating under any statutes, or any other type of law besides common law. A court that does not have common law, or operates without common law, is not a court of record, and lacks jurisdiction.


If the total fines and penalties can not be determined for violating all of the laws mentioned, and any other findings made during Discovery, such as may be the case for Treason, then I am asking to be paid in the amount of \$7,000,000.00 for any and all damages and injuries I have suffered. If any other amount can be mentioned in all of the laws the Defendants have violated, then I shall be paid the maximum amount of any penalties or fees mentioned in those laws, for each occurrence of the violation, and by each person who committed the violation.

1. The District Court has jurisdiction under 28 U.S. Code § 1343,

2. This District Court has venue because Defendants Matt Newberg, John Henry, & GARFIELD COUNTY SHERIFF'S DEPARTMENT are residents of Garfield County, Washington, however they are Citizens of the Federal United States under the 14th Amendment, listed as persons. (to the best of the knowledge of the Plaintiff)

3. I believe that the Attorney General or one of his deputies, or a State Attorney, should be in charge of prosecuting this as a criminal case, because of the conflict of interest in the Hells Canyon Circuit, however as you see in 11062014/MTFAPAGPPMPPANF/JCB-15 and it's attachments, the STATE OF WASHINGTON has no interest in bringing any kind of Justice to Garfield County Washington, so therefore I am requesting that you instruct the Clerks to allow me to file Criminal Complaints as a private man, or as a private attorney general, and that I am given legal council to do so.

Executed without the Federal United States on 11-06-14


Justin-Chad: Family of Breithaupt, Authoritative Representative
FOR: JUSTIN CHAD BREITHAUPT
Entity/Enslegis

Enclosed;

1. Propria Persona ('in pro per.') Motion to Obtain ECF Login and Password

signature and date ALL RIGHTS REVERVED, WAIVING NONE, 

Date 11-06-14

'Errors and omissions are consistent with intent'

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